

REMARKS

Claims 1-15, 30-44, 59-73, 88, 90 and 92 are currently pending in this application. Claims 16, 29, 45-58, 74-87, 89, 91, and 93 were previously cancelled. Independent claims 1, 30, 59, 88, 90 and 92 are herein amended. No new matter has been added by way of these amendments. Applicants respectfully request reconsideration in view of the above amendments and the following remarks.

1. Independent claims 1, 30, and 59 have each been amended to require “allowing the sender to review and manipulate the one or more multimedia components.” Independent claims 88, 90, and 92 have each been amended to require “code to allow the sender to review and manipulate the one or more multimedia components.” Applicants respectfully submit that no new matter has been added by way of these amendments. *See e.g., inter alia*, Application at p.12, ln.11 – ln.16; p. 13, ln. 10; p.14, ln.6 – 20.

2. All the pending claims, that is claims 1-15, 30-44, 59-73, 88, 90 and 92, have been rejected under 35 U.S.C. § 103(a) as being unpatentable.

Claims 1-5, 30-34 and 59-63 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson et al.³⁸³ (U.S. Patent 5,568,383) in view of Johnson et al.⁹¹⁰ (U.S. Patent 5,434,910) and further in view of Cosatto et al. (U.S. Patent 6,112,177) and further in view of Kawamoto (U.S. Patent 6,169,902).

Claims 6-9, 35-38 and 64-67 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson et al.³⁸³ in view of Johnson et al.⁹¹⁰ and further in view of Cosatto et al. and further in view of Kawamoto and further in view of Lee et al. (U.S. Patent 6,088,673).

Claims 10, 39 and 68 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson et al.³⁸³ in view of Johnson et al.⁹¹⁰ and further in view of Cosatto et al. and further in view of Kawamoto.

Claims 11-12, 40-41 and 69-70 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson et al.³⁸³ in view of Johnson et al.⁹¹⁰ and further in view of Cosatto et al. and further in view of Kawamoto and further in view of Lee et al.

Claims 13, 42 and 71 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson et al.³⁸³ in view of Johnson et al.⁹¹⁰ and further in view of Cosatto et al. and further in view of Lee et al. and further in view of Kirksey et al. (U.S. Patent 5,938,447A).

Claims 14-15, 43-44 and 72-73 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson et al.³⁸³ in view of Johnson et al.⁹¹⁰ and further in view of Cosatto et al. and further in view of Kawamoto and further in view of Lee et al. and further in view of Kirksey et al. and further in view of Skelly (U.S. Patent 6,064,383).

Claims 88, 90 and 92 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson et al.³⁸³ in view of Johnson et al.⁹¹⁰ and further in view of Cosatto et al. and further in view of Kawamoto and further in view of Lee et al.

Independent claims 1, 30, and 59 have each been amended to require “allowing the sender to review and manipulate the one or more multimedia components.” Applicants respectfully submit that neither Johnson et al.³⁸³, Johnson et al.⁹¹⁰, Cosatto et al., nor Kawamoto, either alone or in combination, teaches or suggests allowing the sender to review and manipulate a multimedia component that is a likeness of the sender of a multi-mail message as recited in independent claims 1, 30 and 59.

Independent claims 88, 90, and 92 have each been amended to require “code to allow the sender to review and manipulate the one or more multimedia components.” Applicants respectfully submit that neither Johnson et al.³⁸³, Johnson et al.⁹¹⁰, Cosatto et al., Kawamoto, nor Lee et al., either alone or in combination, teaches or suggests code to allow the sender to review and manipulate a multimedia component that is a likeness of the sender of a multi-mail message as recited in independent claims 88, 90 and 92.

The Office Action concedes that “[n]either Johnson et al.⁵, Cosatto et al. nor Kawamoto speak to verifying sender ID, access to sender(s) multimedia and a likeness of the sender.” (*See*, Office Action, page 5¶5). Similarly, Applicants submit that the teaching of Kawamoto does not remedy these deficiencies. Kawamoto discloses an information network system in which an information terminal may be used to send user positional information and receive and display positional information regarding the users within a predetermined group. With respect to the user’s own positional information, the user of the information terminal requests connection (S1) to an information providing apparatus which in turn requests a password number (S4). In response, the information terminal sends the password number (S5) and its positional information (S6). The information providing apparatus sends the positional information along with map information (S7) to be displayed at the information terminal. (*See*, Col. 4, line 51 - Col. 5, line 21; figure 6). Item S8 in figure 6 simply refers to a request for a release of service and does not appear, as indicated by Examiner, to be directly related to the discussion of electronic mail exchange at col. 3 lines 8-9. (*See*, Office Action, page 5¶5). Likewise with respect to requesting positional information of other users in a predetermined group, the user requests connection (S10) to the information providing apparatus which in turn requests a password number (S13). In response, the information terminal sends the password

number (S14). The information providing apparatus sends the positional information of the predetermined group along with map information (S15) to be displayed at the informational terminal. (*See*, Col. 5, lines 30–59; figure 7). The positional information sent in response to a transmit request may include updated position information data, date and time, map information, id number, user name and the image of the user's face. (*See e.g.*, Col.8, line 43 – Col. 9, line 18). However, Kawamoto does not involve the sending of a multi-mail message by a verified sender that includes the creation of one or more multimedia components associated with a message comprising textual content. Accordingly, Applicants respectfully submit that neither Johnson et al.³⁸³ in view of Johnson et al.⁹¹⁰, further in view of Cosatto et al., which the Office Action concedes are silent in this regard, nor Kawamoto teach or suggest verifying sender id, accessing sender multimedia and the creation of a multimedia component that is a likeness of the sender of a multi-mail message as recited in independent claims 1, 30, 59, 88, 90 and 92. For at least this reason, Applicants submit the independent claims are patentably distinct from Johnson et al.³⁸³ in view of Johnson et al.⁹¹⁰ and further in view of Cosatto et al and further in view of Kawamoto.

Moreover, Applicants respectfully submit the Examiner has failed to make the requisite showing of a motivation in the prior art to make the modification and combination of Johnson et al.³⁸³ in view of Johnson et al.⁹¹⁰ and further in view of Cosatto et al., and further in view of Kawamoto, as suggested by the Examiner. *See* M.P.E.P. §1243.01. Therefore, Applicants respectfully request withdrawal of this ground of rejection.

In addition, independent claims 88, 90 and 92 each recites, *inter alia*, “code to create one or more multimedia components associated with said message, wherein said multimedia component represents a likeness of a sender.” Applicants respectfully submit that

neither Johnson et al.³⁸³, Johnson et al.⁹¹⁰, Cosatto et al., Kawamoto, nor Lee et al., either alone or in combination, teaches or suggests code to create a multimedia component that is a likeness of the sender of a multi-mail message.

The Office Action concedes, “[r]egarding claims 88, 90 and 92, Johnson et al.^(s) are silent on the matter of code.” (*See*, Office Action, page 14 ¶27.). The Office Action states that “Lee et al. (in tables 1 and 2, columns 3-5) provides at least a pseudocode that will prepare a Multi-Mail message.” (*See*, Office Action, page 14 ¶27). According to Lee et al., “Table 1 and 2 are algorithms illustrating the state of organized multimedia input information, which consists of text, prosody, the information on synchronization with moving picture, lip-shape, and individual property information.” Lee et al., column 3, lines 51-54. Applicants respectfully submit that the “pseudocode” cited by the Examiner in the Lee et al. patent does not teach or suggest, as recited in independent claims 88, 90 and 92, the use of code to create a multimedia component with a likeness of the sender.

Moreover, Applicants respectfully submit the Examiner has failed to make the requisite showing of a motivation in the prior art to make the modification and combination of Johnson et al.³⁸³ in view of Johnson et al.⁹¹⁰, further in view of Cosatto et al., further in view of Kawamoto and further in view of Lee et al., as suggested by the Examiner. *See* M.P.E.P. §1243.01. Therefore, Applicants respectfully request withdrawal of this ground of rejection.

Applicants respectfully submit that independent claims 1, 30, 59, 88, 90, and 92, as amended, are distinguishable over the cited art, and therefore allowable. In addition, Applicants respectfully submit that the dependent claims which depend from these independent claims, directly or indirectly, are also allowable over the cited art for at least the same reasons and because of the further features they define.

Reconsideration and withdrawal of the rejection of claims 1-15, 30-44, 59-73, 88, 90 and 92 under §103(a) is respectfully requested. If the claims of this application, as amended, are not believed to be in full condition for allowance, the Applicants respectfully request the constructive assistance and suggestions of the Examiner in drafting any necessary amendments to the claims in order that this application can be placed in allowable condition as soon as possible and without need for further proceedings.

CONCLUSION

For these reasons, it is believed that all of the claims as presently presented, are patentable, and that this application is now in allowable condition.

While Applicants believe no extension of time is required, should an additional extension of time be required to render this filing timely, such extension is hereby petitioned. The Commissioner is hereby authorized to charge any additional fees which may be due, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4056-4000. A
DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

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